

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
SUMMONS FOR JUDGMENT NO.819 OF 2004
IN
SUMMARY SUIT NO.655 OF 2004

Jayantilal M. Shad ...Plaintiff.

V/s.

Shri Hasmukhbhai ...Defendant.

Shri M.K.Jain for the Plaintiff.
Shri Madhav Jamdar for the Defendant.

CORAM: S.U.KAMDAR, J.
DATE : 11th October, 2005.

P.C.:

1. The present Suit is filed for recovery of Rs.1,34,200/-. It is the case of the Plaintiff that the aforesaid amount has been forcibly taken by the Defendant over and above contractual agreed amount as per the Contract dated 18th February, 2003. In my opinion, admittedly amount having been paid out of the terms of the Contract has been forcibly recovered by the Defendant.

2. Summons for Judgment dismissed.

3. Unconditional leave is granted to the Defendants.

4. Suit transferred to the list of Commercial Causes.
Written Statement or points of defence to be filed four

weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

(S.U.KAMDAR, J.)